LAMPAIGH DISCLOSURE BY

## BEFORE THE IOWA 2009 AUG 18 AM 8: 27 Pursuant to Chapter 17A and Chapter 68B

IN THE MATTER OF:	)
	) Case No. <u>2009 IECDB 9</u>
ARLENE LYNES,	)
In the Capacity as Chair for Allamakee	PROPOSED SETTLEMENT and
County Republican Womens Club,	) FINAL ORDER of the BOARD
RESPONDENT.	, )

HEREIN, the above-entitled matter comes before the Iowa Ethics and Campaign Disclosure Board (Board) regarding a Statement of Charges and Notice of Hearing. The Respondent and the Board's Executive Director/Legal Counsel agree to the terms of this Proposed Settlement and Final Order of the Board:

- 1. It was alleged in the Statement of Charges and Notice of Hearing that Respondent failed to timely file a January 19, 2009 campaign report and a copy of the committee's bank statement. Based on the evidence provided before hearing, the following facts are agreed to:
- A. An amended Statement of Organization was filed on January 19, 2009 (see Exhibit 1).
- B. On January 19, 2009, campaign information for the Allamakee County Republican Womens Club was entered in the Board's electronic filing system. However, for whatever reason the report was not actually submitted (see Exhibit 2).
  - C. On June 4, 2009, the report was submitted and posted.
  - D. On June 9, 2009, the campaign bank statement was submitted.
- 2. In recognition that there was an attempt to timely file the report, the Board's Executive Director/Legal Counsel does not seek the full range of penalties as are sought in other cases.

  However, had directions for filing the report been followed or if subsequent communications from the Board been responded to, this matter could have been avoided.

3. As such, the parties agree to the following:

A. Respondent agrees to pay a \$25 civil penalty in reflection that the report was

not actually filed and another \$25 to the Board for costs associated with this matter.

4. Execution of this Proposed Settlement and Final Order of the Board constitutes

resolution of the contested case. Respondent waives right to hearing and the right to appeal, by

freely and voluntarily agreeing to this settlement.

5. Respondent agrees that the Board's Executive Director/Legal Counsel will present this

settlement to the Board and may have ex parte communication to do so.

6. This settlement is subject to approval by the Board. If the Board approves this

settlement, it becomes the final disposition of the matter. If the Board fails to approve this

settlement, the terms contained herein are null and void and the contested case hearing will

commence or a new proposed settlement may be agreed upon and presented.

7. If Respondent fails to comply with the terms of this settlement, the Board may initiate

appropriate court action to seek enforcement of the settlement pursuant to Iowa Code section

68B.33 and Iowa Code chapter 17A.

8. Board approval of this settlement shall constitute a Final Order of the Board pursuant

to rule 351—11.25.

WHEREFORE, the Board's Executive Director/Legal Counsel and the Respondent

submit this agreement to the Board as being in the public interest and serving the purposes of the

laws and rules of the Board pursuant to Iowa Code section 68B.32B(10).

W. Charles Smithson

Iowa Ethics & Campaign Disclosure Bd

510 E. 12th Street, Suite 1A

Des Moines, Iowa 50319

Director & Counsel for the Board

Brenda Promnitz

Allamakee County Republican Womens Club

302 9th Street NW

Waukon, Iowa 52172

Respondent

The Iowa Ethics and Campaign Disclosure Board finds this settlement as being "in the public interest" and "consistent with the purposes" of Iowa Code chapter 68A and the Board's rules on Campaign Disclosure Procedures in 351—Chapter 4. The settlement is therefore approved.

Approval of this settlement constitutes final agency action under Iowa Code section 68B.32B(10) and rule 11—11.25.

This matter is hereby closed and entered into the public record on October 21, 2009.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair Gerald Sullivan Betsy Roe John Walsh Patricia Harper Saima Zafar